



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,341	08/03/2000	Suzanne M. Jordan	END9 2000 0041 US1	9659

7590 01/15/2003

Shelley M Beckstrand PC
Attorney At Law
314 Main Street
Owego, NY 13827

EXAMINER

CHANCE, JANET D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,341

Applicant(s)

JORDAN ET AL.

Examiner

Janet D. Chance

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 3 August 2000. Claims 1-28 are pending. The IDS statement filed 3 August 2000 has been entered and considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference number 332 on Figure 5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 224 on page 9, lines 11, and 18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: 1) Reference number 222 is described as both a “due diligence phase” on page 10, line 8 and as a

Art Unit: 3626

“transition/transformation phase” on page 10, line 14. Descriptions of reference numbers must be consistent; and 2) There is no brief description of Figure 6. There must be a brief description of all figures.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed toward non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

(A) In this case, claim 1 only recites an abstract idea. The recited steps of identifying goals, building a model, performing analysis, identifying new sources, implementing tools, and generating metrics do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to define the measures of performance of a customer information technology organization.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces measurement reports and definitions.

Although the recited process produces a useful, concrete and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 1 is deemed to be directed to non-statutory subject matter.

(B) The same analysis can be applied to independent claims 4, 6, 8, 10, 12, 16-17, and 20. As such these claims are rejected as well.

(C) Dependent claims 2-3, 5, 7, 9, 11, 13-15, and 21 inherit the discrepancy through dependency and are rejected as well.

Art Unit: 3626

(D) This deficiency can be overcome by simply expressly stating in the body of the claims the use of technology such as a processor.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(A) Claim 13 recites the limitation "said developing step" in line 1. There is insufficient antecedent basis for this limitation in the claim. For purposes of applying art, Examiner interprets the development step to be the due diligence step.

(B) Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The structural/physical relationship between the functional elements is missing.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3626

8. Claims 1-7, 10-17, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. ("The Information System Consultant's Handbook: Systems Analysis and Design", CRC Press).

(A) As per claim 1, Davis teaches a method for defining the measure of performance of an information technology organization, comprising;

a) an interviewing technique to identify customer goals of a system (Davis; section 8.2, lines 1-5);

b) building a model in response to the customer requirements (i.e., goals) in such a manner that it is possible to test the finished system (i.e., metrics) (Davis; section 35.1, lines 1-4 and sections 75.1 and 75.3);

c) creating a data flow diagram of the old system (i.e., determining the metrics already collected) (Davis; section 3.4.1.2, lines 1-4);

d) creating a model of the new system based off of the old model including adding new requirements and elimination redundancies (i.e., identifying new data collection sources for data not already collected) (Davis; section 3.4.1.3, lines 1-5, section 24.4.7.2, lines 1-4 and section 75.4);

e) implementing/developing the system (i.e., gathering the metrics) (Davis; section 74.4.5 and section 72.4.1, lines 11-13); and

f) generating test data (i.e., measurement reports) (Davis; sections 75.1 and 75.4.5).

Art Unit: 3626

(B) As per claim 2, Davis teaches selecting test data to ensure the system meets the user's needs (i.e., selecting metrics which satisfy prioritized behavior) (Davis; section 74.4 and section 35.4.1, lines 1-7).

(C) As per claim 3, Davis teaches non-behavior requirements and selecting test data (Davis; section 74.4 and section 35.4.1, lines 7-9).

(D) As per claim 4, Davis teaches a method for creating a measurement model product comprising;

a) providing a methodology (i.e., future capabilities work product) for defining goals and measurements (Davis; section 35.1, section 3.1 and section 74.3); and

b) translating the customer goals into a logical and physical model that defines desired behaviors and measures that test the behavior (Davis; Figures 35.1-35.3, section 35.4.1, section 35.4.3.1, lines 1-21 and sections 74.1 and 74.4.1).

(E) As per claim 5, Davis teaches the step of determining the deficiencies in organization measurement processes by examining the old system versus the new system requirements (Davis; sections 3.4.1.1-3.4.1.4 and sections 74.1 and 74.4.1).

(F) As per claim 6, Davis teaches a system for creating and using a measurement model work product, comprising:

Art Unit: 3626

a) a requirements specification (i.e., future business capabilities work product) for defining customer goals and test data (Davis; sections 25.1, 74.1, and 74.4.1); and

b) a requirements specification and test plan (i.e., measurement model) for translating customer goals into specific behaviors and measures that demonstrate the behaviors (Davis; section 35.4.1, 35.4.3.1, lines 1-21 and sections 74.1 and 74.4.1).

(G) As per claim 7, Davis teaches

c) creating a model of the new system based off of the old model including adding new requirements and elimination redundancies (i.e., identifying possible deficiencies in organizational measurement processes) (Davis; sections 3.4.1-3.4.4, section 24.4.7.2, lines 1-4 and section 75.4).

(H) As per claim 10, Davis teaches a system for formulating measurement requirements that are to be implemented in an engagement, comprising:

a) a structured analysis for detailing a current system and data flow diagram for detailing data flow of data collected and reported (Davis; section 3.4.1.1-3.4.1.2 and section 24.4.11);

b) a requirements specification (i.e., measurement model work product) for translating customer goals into specific behaviors and measures that demonstrate the behavior (Davis; Figures 35.1-35.3, and 5.1, sections 35.4.1, 35.4.3.1, lines 1-21 and section 74.1 and 74.4.1); and

c) creating a model of the new system based off of the model of the old system including adding new requirements and elimination redundancies (i.e., defining differences between

Art Unit: 3626

current measures and new required measures) (Davis; section 3.4.1.3, lines 1-5, section 24.4.7.2, lines 1-4 and section 75.4).

(I) As per claim 11, Davis teaches, the system as rejected in claim 10 further comprising:

a) a user interface design (i.e., documenting expectations for data collection) (Davis; section 48.3, lines 1-15 and section 48.4.4.1, lines 1-14);

b) a tool for configuring tools to implement requirements (Davis; section 35.4.3.4 and section 5.4.4, 5.4.1.9,);

c) a requirements specification and system flow chart to define behavioral expectations (Davis; section 35.4.3.4 and Figure 37.4); and

d) a report for visualizing the requirements (Davis; section 75.4.5.3, section 75.1, lines 1-2, section 75.4.5, lines 6-12 and section 4.4.2.3).

(J) As per claim 12, Davis teaches a measurement and performance management method, comprising:

a) developing a measurement solution during a proposal phase (Davis; section 35.4.3.4, section 3.4.1.7, and section 1.4.4, lines 1-28);

b) validating assumptions and expectations in the solutions during a feasibility phase (i.e., due diligence) (Davis; section 13.4.2, 13.4, line 1-6, table 13.1); and

c) transferring to user the resources and assets for implementing the measurement solution during a transfer phase (Davis; Figure 13.1, section 76.3, 76.4.4 and 76.4.5).

Art Unit: 3626

(K) As per claim 13, Davis teaches the step of building a solution responsive to inputs from a measurement module and a requirements validation module (Davis; Figure 5.1, section 5.4.1.3 and 5.4.1.7).

(L) As per claim 14, Davis teaches the validating step further comprising executing a comparison between existing measurements and proposed measurements in response to inputs from: a current process design, a proposed process design, a to-be organizational design, and a to-be process design (Davis; sections 3.4.1.2-3.4.1.4, and sections 4.4.2.1-4.4.2.2).

(M) As per claim 15, Davis claims the transferring step further comprising an external interface design, a tools configuration, a requirement specification (i.e., contract measurement business policy), a report, end-user training materials, and a deployment plan (Davis; Figure 24.3, section 5.1, section 48.3, lines 1-5, section 35.4.3.4section 47.3, lines 1-10, section 75.1 and 75.4.5, section 76.4.4.1-76.4.4.5).

(N) System claim 16 differs from claim 12, in that claim 12 contains a method recited as a series of function steps whereas claim 16 contains features recited in a “means plus function” format. As the method of step claim 12 has been shown to be disclosed or obvious by the combined teachings of Davis, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claim 16 are rejected for the same reasons given for method claim 12 and incorporated herein.

Art Unit: 3626

(O) As per claim 17, Davis teaches a method for executing a page analysis comprising:

- a) mapping current system and data and identifying gaps (Davis; sections 3.4.1.1-3.4.1.3);
- b) identifying missing measurement data (Davis; sections 3.4.1.1-3.4.1.3);
- c) identifying redundant (i.e., nonproductive) measurements (Davis; section 3.4.1.3);
- d) identify impact to organizational structure (Davis; section 13.4.2, lines 11-19); and
- e) identify other requirements for measurement success (Davis; section 24.4.7.4).

(P) Apparatus claims 22-26 differ from claims 1, 4, 8, 12, and 17, respectively, in that claims 1, 4, 8, 12, and 17 contain a method recited as a series of function steps whereas claims 22-26 contain features recited in a “means plus function” format. As the method of step claims 1, 4, 8, 12, and 17 has been shown to be disclosed or obvious by the combined teachings of Davis, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claims 22-26 are rejected for the same reasons given for method claims 1, 4, 8, 12, and 17, respectively, and incorporated herein.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3626

10. Claims 8-9, 18-21, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, and further in view of Nagai et al. (US 2001/0025247 A1).

(A) As per claim 8, Davis teaches a method for defining the measures of performance of an IT organization comprising:

a) metric and measurement tools and parent and child measurement categories stored in a repository (Davis; tables 5.1 and section 35.1-35.4);

b) However, Davis fails to teach the selecting measurements from the repository. Nagai details the selection of measurements from a repository (Nagai; Figure 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the human resources measurements selected from a repository of Nagai to the performance measurement system of Davis with the motivation of “supporting preliminary estimation of the effects of a system and a configuration proposal at a planning stage of construction/improvement of an information system” (Nagai; paragraph 0002, lines 7-10);

c) implementing contract measurements (Davis; section 76.1); and

d) using and maintaining measurements (Davis; section 77.4.3 and 78.4.1).

(B) As per claim 9, Davis teaches categories including, human resources, quality, customers, cost and schedule, process and productivity, output behaviors (Davis; tables 11.1, 12.1, 18.1, 35.1-35.3).

Art Unit: 3626

(C) As per claim 18, Davis teaches a conical method for defining a measurement model work product; comprising:

a) articulating envisioned business goals and behaviors (Davis; section 8.2, lines 1-5);

b) defining goals and behaviors in a database of existing contract measures (Davis; table 5.1 and section 5.4.1.9;

c) Davis fails to teach the selection of measurements from the database of contract measures. Nagai teaches the selection of measurements from a repository (Nagai; Figure 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the human resources measurements selected from a repository of Nagai to the performance measurement system of Davis with the motivation of “supporting preliminary estimation of the effects of a system and a configuration proposal at a planning stage of construction/improvement of an information system” (Nagai; paragraph 0002, lines 7-10);

d) Davis fails to teach the prioritization and the balancing of the measurements. Nagai teaches the weighting (i.e., prioritizing and balancing) of the measurements (Nagai; page 8, paragraph 0125). It would have been obvious to one of ordinary skill at the time of the invention to add the weights of Nagai to the method of Davis with the motivation of quantitatively evaluating the influences of a support information system (Nagai; page 2, paragraph 0012, lines 3-4).

(D) As per claim 19, Davis teaches a system for defining a measurements model work product comprising,

Art Unit: 3626

a) a database for articulating envisioned business goals and behaviors (Davis; Figure 5.1, and section 5.4.1.9);

b) However, Davis does not teach a second database to hold behaviors and goals selected from an existing contract measures; or

c) a means for selecting measurements from the second database; or

d) the prioritizing and balancing means of the measurements in the work model.

In regards to items b), c) and d) above, Nagai teaches a separate definition information database (102) and a system configuration database (103), the selection of measurements from a repository, and the weighting of the measurements (Nagai; Figures 1 and 12, and page 8, paragraph 0125). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the human resources measurements selected from a repository of Nagai to the performance measurement system of Davis with the motivation of “supporting preliminary estimation of the effects of a system and a configuration proposal at a planning stage of construction/improvement of an information system” (Nagai; paragraph 0002, lines 7-10).

(E) As per claim 20, Davis teaches a method for defining a measurements model work product comprising:

a) defining the goals of a customer information technology organization (Davis; section 8.2, lines 1-5);

b) defining behaviors associated with those goals (Davis; section 35.4.1, 35.4.3.1, lines 1-21 and sections 74.1 and 74.4.1);

c) However, Davis does not teach the mapping of measures against a measurement catalog. Nagai teaches the mapping of measures to a catalog of measures (Nagai; Figure 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the human resources measurements selected from a repository of Nagai to the performance measurement system of Davis with the motivation of “supporting preliminary estimation of the effects of a system and a configuration proposal at a planning stage of construction/improvement of an information system” (Nagai; paragraph 0002, lines 7-10);

d) building a first draft measurement model from the measures (Davis; Figure 31.1, and section 31.4);

e) However, Davis does not teach the prioritizing of the measures with respect to the number of behaviors satisfied. Nagai teaches the prioritization based on the number of behaviors satisfied (Nagai; Figure 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the prioritization scheme of Nagai to the method of Davis with the motivation of providing a “method of evaluating the functional suitability between the business process, and the information system, and a system configuration proposal support tool” (Nagai; page 1, paragraph 0004, lines 27-29);

f) Davis does not teach the prioritization of measures with respect to the number of related measures. Nagai teaches the setting of a degree of relationship between data of the business model and the functional item resource (Nagai; Figure 11, section 0049). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the prioritization or Nagai to the method of Davis with the motivation of quantitatively evaluating

the influences of a support information system and the ability of a related worker on a business process and system configuration method (Nagai; page 2, paragraph 0012, lines 3-5).

g) iterative prototyping method which produces new models based on findings and (Davis; section 31.4.1 and Figure 31.1).

(F) As per claim 21, Davis teaches the comparison of the old model to the new requirements to determine the missing data measurements (Davis; sections 3.4, 3.4.1.1-3.4.1.4).

(G) Apparatus claims 27-28 differ from claims 18 and 20, respectively, in that claims 18 and 20 contain a method recited as a series of function steps whereas claims 27-28 contain features recited in a "means plus function" format. As the method of step claims 18 and 20 has been shown to be disclosed or obvious by the combined teachings of Davis, it is readily apparent that the "means" to accomplish those method steps is obvious in view of the prior art. As such, the limitations recited in claims 27-28 are rejected for the same reasons given for method claims 18 and 20, respectively, and incorporated herein.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not relied upon art teaches a method and system for monitoring organizational performance in which each performance variable is defined, selected, weighted by importance categorized into groups, collected stored, modeled and ranked (5,684,964), a quantitative business performance computer system with goals, categories of concerns, Aspects

Art Unit: 3626

of concerns and tags to define each aspect, the aspects can be weighted in groups or individually as the measurements are gathered by computer (EP 1 072 988 A2), an article about user-centered versus method-centered CASE tools (Jarzabek, Stan "The Case for user-centered CASE Tools"), and an article about the use of CASE tools in the implementation of a health care system (O'Gara, Sarah A, "Record It Without Words: Designing a CPR").

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-7687 [Official communications]

(703) 746-7238 [After Final communications, labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

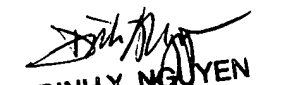
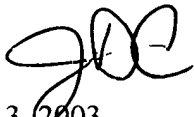
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet D. Chance whose telephone number is (703) 305-5356. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7687 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jdc

January 13, 2003



DINH X. NGUYEN
PRIMARY EXAMINER